



California Regulatory Notice Register

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MAY 13, 2005

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Coachella Valley Water District
Cooperative Personnel Services
East Bay Municipal Utility District
East Bay Regional Park District
Elsinore Valley Municipal Water District
Metropolitan Water District of Southern California

A written comment period has been established commencing on **May 13, 2005**, and closing on **June 27, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention **Kevin S. Moen, PhD**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return

the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **June 27, 2005**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Kevin S. Moen, PhD**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Kevin S. Moen, PhD**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

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CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY:

San Luis & Delta-Mendota Water Authority

A written comment period has been established commencing on **May 13, 2005**, and closing on **June 27, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention **Kevin S. Moen, PhD**, 428 J Street, Suite 620, Sacramento, California 95814.

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Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **June 27, 2005**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

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There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974.

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EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

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Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

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TITLE 4. CALIFORNIA HORSE RACING BOARD

CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO ADD RULE 1843.6. TOTAL CARBON DIOXIDE TESTING

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Rule 1843.6, Total Carbon Dioxide Testing. The proposed Rule 1843.6 provides that at the direction of the official veterinarian-

ian blood samples may be taken from a horse for the purpose of obtaining carbon dioxide (TCO₂) testing. Blood samples may be taken pre-race or post-race from any horse on a facility under the jurisdiction of the Board. Should an owner, trainer, or other person responsible for the horse refuse or fail to permit the taking of a sample, he shall be in violation of Board Rule 1930, Obedience to Security Officers and Public Safety Officers, and the horse will be declared ineligible to race by the stewards. Rule 1843.6 provides that TCO₂ levels shall not exceed 37.0 millimoles. An owner or trainer may request that a duplicate sample be taken. The owner or trainer is responsible for costs related to obtaining, shipping, handling and analyzing the duplicate sample. If the duplicate sample cannot be analyzed within five days after the sample is collected, the findings of the official sample shall be final. If the official laboratory reports TCO₂ in excess of the maximum levels, the penalty for administrative purposes shall be considered a Class three-medication violation. Blood samples collected for TCO₂ testing shall not be subject to the provisions of Board Rule 1859.25, Split Sample Testing.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, June 30, 2005**, or as soon after that as business before the Board will permit, at the **Alameda County Fair Grounds, 4501 Pleasanton Avenue, Pleasanton, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on June 27, 2005**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
Fax: (916) 263-6042
Email: HaroldA@chrh.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440, 19580 and 19582.5 Business and Professions (B&P) Code.
Reference: 19581 and 19582, B&P Code.

B&P Code Sections 19420, 19440, 19580 and 19582.5 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Sections 19581 and 19582, B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions (B&P) Code Section 19581 provides that no substance of any kind shall be administered by any means to a horse after it has been entered to race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. B&P Code Section 19582 states violations of Section 19581 are punishable as set forth in regulations adopted by the Board. In addition, the Board may classify violations of Section 19581 based upon each class of prohibited drug substances, and may provide for the suspension of a license for not more than three years. Board regulations prohibit the administration of any substance within 48 hours of a race except for specifically authorized substances. Alkalizing agents are not among the authorized substances, so their administration would be a violation of Board rules. However, carbon dioxide is natural to the horse, so without catching someone in the act of administering an alkalizing agent within 48 hours of a race, the mere detection of carbon dioxide in equine samples would not in itself indicate wrongdoing. The proposed addition of Rule 1843.6, Total Carbon Dioxide Testing, will permit the Board to differentiate between what is natural to the horse and what is the result of an alkalizing substance by measuring the amount of TCO₂. In addition, the proposed regulation provides a classification of TCO₂ violations for administrative purposes, which would allow for penalties should excessive carbon dioxide be detected in a test sample.

Lactic acid, which is produced by intense exercise, is a factor in causing fatigue. Lactic Acid can be neutralized by the administration of an alkaline substance such as bicarbonate. This has resulted in the use of alkalizing agents, or "milkshakes," which are administered to a racehorse in an attempt to alter the performance of the horse. To determine if alkalizing substances are being administered, the Board proposes to add Rule 1843.6. The proposed addition of Rule 1843.6 will allow for the taking of blood samples for the purpose of obtaining total carbon dioxide (TCO₂) concentrations from any horse on a facility under the jurisdiction of the Board. Subsection 1843.6(a) states blood samples for TCO₂ testing must be taken at the direction of the official veterinarian, by a veterinarian licensed by the Board or a registered veterinary technician licensed by the Board, and under the provisions of Rule 1859, Taking, Testing and Reporting of Samples. This will ensure samples are drawn

and handled in accordance with current practice. Blood samples may be collected pre-race or post-race. TCO₂ levels are depressed by exercise, and do not return to "normal" at the same rate in all breeds of horses. It may take up to one and a half hours for TCO₂ levels to recover in thoroughbreds, while standardbred horses may experience a faster recovery. Recovery levels are a factor in determining when test samples will be drawn. Thoroughbred horses are more likely to have test samples taken pre-race, while standardbred horses may have test samples taken post-race. Subsection 1843.6(a)(1) provides that an owner or trainer of a horse selected for testing may request that a duplicate sample be taken. The owner or trainer who requests a duplicate sample is responsible for costs associated with the taking, handling and testing of the sample. In addition, subsection 1843.6(a)(2) states if the Board determines the duplicate sample cannot be analyzed within five days after the sample is taken, the findings of the official sample will be final. These provisions allow the horsemen to have some of the protections provided by a duplicate sample. If handled in a timely manner, a duplicate sample can verify the findings of the official sample, or provide evidence to refute the official sample. At the same time, the Board is not burdened with paying for duplicate samples, and it is able to take action even if a duplicate sample cannot be tested in a timely manner. Board Rule 1930, Obedience to Security Officers and Public Safety Officers, provides that no licensee shall willfully ignore or refuse to obey any lawful order issued by the stewards when such order is issued or given in the performance of duty. Under subsection 1843.6(c), any person who is responsible for a horse, and who refuses or fails to permit the taking of a test sample, is in violation of Rule 1930 and shall have the horse declared ineligible to race by the stewards. This provides consequences should such persons refuse to cooperate with an agent of the Board. Subsection 1843.6(d) states TCO₂ levels in the blood serum or plasma shall not exceed 37.0 millimoles per liter. This is an established level in several North American racing jurisdictions that regulate TCO₂. Under Subsection 1843.6(d)(3) if the official laboratory reports TCO₂ levels in excess of the maximum, the penalty for administrative purposes shall be considered a Class three-medication violation. Subsection 1843.6 states the provisions of Rule 1859.25 shall not apply to blood samples collected for TCO₂ testing. TCO₂ levels in blood serum or plasma deteriorate while the samples are in storage and begin to decline four days after collection. The time frame dictated by Rule 1859.25 for analysis of a split sample is longer than four. Adherence to this time frame would result in a normal decrease in TCO₂ in the split sample and would not be a true

representation of the TCO₂ level present in the horse when the sample was taken.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: An undetermined amount of TCO₂ test samples will be taken at a cost of \$10 to \$12 each.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 1843.6 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or business: A representative private person or business may incur costs between \$75 and \$150 in reasonable compliance with the proposed addition of Board Rule 1843.6. Representative private persons or businesses would incur such costs only if they requested a duplicate sample be obtained, shipped and analyzed.

Significant effect on housing costs: none.

The adoption of the proposed regulation will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposed adoption of Rule 1843.6 does not affect small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. Rule 1843.6 provides that blood samples for the purpose of TCO₂ testing may be taken from any horse entered to race.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative that is considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-Mail: HaroldA@chr.ca.gov

If the person named above is not available, interested parties may contact:

Pat Noble, Regulation Analyst
Telephone: (916) 263-6033
Email: PatN@chr.ca.gov

**AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATION**

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternate contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's Internet address is: www.chrb.ca.gov.

**TITLE 4. DEPARTMENT OF
FOOD AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to amend regulations contained in Title 4, Division 9, Chapter 4, Registration of Service Agencies for Commercial Weighing and Measuring Devices, Section 4083 Examinations/Licenses. The proposed amendments along with minor editorial changes to Section 4083 will clarify and make specific the procedures for a service agent to obtain a license, renew current licenses, and replace lost or mutilated licenses.

A public hearing regarding this proposal is not currently scheduled. However, any interested person or duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be scheduled.

Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the Department of Food and Agriculture, upon its own motion or at the instance of any interested person, may thereafter adopt the proposal substantially as set forth without further notice.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Food and Agriculture, Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, California 95828. Comments may also be submitted by facsimile (FAX) at (916) 229-3026 or by e-mail at DMS@cdfa.ca.gov. Comments must be submitted prior to 5:00 p.m. on June 27, 2005.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Legislature has charged the Department of Food and Agriculture with the responsibility of supervising weights and measures activities within California (Business and Professions Code, Division 5, Section 12100).

The Secretary of the Department of Food and Agriculture is granted the authority in Business and Professions Code, Division 5, Section 12027 to adopt

such regulations as are reasonably necessary to carry out the provisions of the Business and Professions Code, Division 5.

The Department and the Division of Measurement Standards' Registered Service Agency Program are responsible for carrying out the provisions of the Business and Professions Code, Division 5, Section 12540 Service Agent Examination and Licensing, which establishes that applicants for a service agent license shall pass a written examination and pay a fee established by the Secretary of the Department of Food and Agriculture to recover costs of the examination administration before a license is granted by the Department. Every service agent shall be reexamined every five years, and to maintain a service agent license, the reexamination shall be taken and passed on or before the date on which the examination was last taken and passed. The current regulation does not provide for a renewal process or for the replacement of lost or mutilated licenses.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Secretary has determined that this proposal does not impose a mandate on local agencies or school districts.

The Secretary also has determined that this action will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, and no reimbursable costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has made an initial determination that the proposal will not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the changes in the regulation on private persons and businesses will affect only those individuals who request a replacement service agent license. The replacement fee is significantly less than the fee to obtain a new license.

ASSESSMENT REGARDING EFFECT ON JOB/BUSINESSES

The Department has made an assessment that the proposed regulation may: (1) create jobs within California; (2) create new businesses within Califor-

nia; or (3) affect the expansion of businesses currently doing business in California; and (4) will not eliminate jobs or businesses within California.

ALTERNATIVES CONSIDERED

The Secretary must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE

Pursuant to Business and Professions Code, Division 5, Sections 12027 and 12540.

CONTACT PERSON

Inquiries regarding the notice or the substance of the proposed regulatory action may be directed to Roger Macey, Branch Chief, Division of Measurement Standards at (916) 229-3043. The back-up contact person is Ken Lake, (916) 229-3047.

EFFECT ON SMALL BUSINESS

The Department has made an assessment that the proposed regulations will affect small business. The effect of this regulation change ensures that applicants and businesses will follow a definitive procedure to renew current licenses and replace lost or mutilated licenses. The replacement fee is significantly less than the fee to obtain a new license.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action.

A copy of the statement of reasons, and the proposed regulation in strikeout and underline form may be obtained upon request. The rulemaking file, and all information on which the proposal is based, is located at the Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, California 95828, and may be obtained upon request. Additionally, all documents relating to this rulemaking file may be obtained from the Department's web site located at www.cdfa.ca.gov/dms.

Following the written comment period, the Department will adopt the proposal substantially as set forth above without further notice. If the regulation adopted by the Department differs from but is sufficiently related to the action proposed, it will be available to the public for at least 15 days prior to the date of adoption. Any interested person may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

A Final Statement of Reasons, when available, may be obtained by contacting Roger Macey, Branch Chief, Division of Measurement Standards, at (916) 229-3043.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION

DATE: April 29, 2005
REGULATION FILE: RH02024219

SUBJECT OF PROPOSED RULEMAKING

The Insurance Commissioner proposes to adopt the regulations described below after considering comments from the public. The Commissioner proposes to add to Title 10, Chapter 5, Subchapter 3 of the California Code of Regulations Article 11.3, Sections 2534.40, 2534.41, 2534.42, 2534.43, 2534.44, 2534.45, 2534.46 and 2534.47. The regulation will establish filing requirements for applications to amend an insurer's variable authority. The regulations will also clarify which filings require the Commissioner's prior approval and which filings qualify for the treatment specified by Insurance Code Section 10506(h). In addition, the regulations will establish criteria for determining if a variable product involves a hazardous operation.

PUBLIC HEARING

A public hearing has been scheduled in connection with this proposed action. A public hearing will be held at 1:30 p.m. on July 1, 2005 at the Department of Insurance Hearing Room, 22nd Floor, 45 Fremont Street, San Francisco, CA 94105. The sole purpose of such a hearing would be to address the merits of the proposed regulations.

AUTHORITY AND REFERENCE

The proposed regulations will implement, interpret and make specific the provisions of Insurance Code section 10506(h). Insurance Code section 10506(h) provides the authority for this rulemaking.

PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 4:00 p.m. on July 1, 2005. Please direct all written comments to the following contact person:

Gene Woo, Staff Counsel
California Department of Insurance
45 Fremont Street, 24th Floor
San Francisco, CA 94105
Telephone: (415) 538-4496

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If he is unavailable, inquiries may be addressed to the following backup contact person:

Bruce Bozzo, Senior Staff Counsel
California Department of Insurance
45 Fremont Street, 23rd Floor
San Francisco, CA 94105
Telephone: (415) 538-4153

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to one of the contact persons at his respective address listed above, no later than 4:00 p.m. on July 1, 2005. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: woog@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Gene Woo and sent to the following facsimile number: (415) 904-5729. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAW AND POLICY STATEMENT OVERVIEW

Existing law permits the Commissioner to review filings for amendments to insurers' variable contract authority to see if hazardous operations exist. In 2002, the Legislature enacted Assembly Bill 2778 which amended Insurance Code Section 10506(h) to allow insurers to implement material changes, involving mutual funds underlying the variable contract separate accounts connected with a variable contract, without the Commissioner's approval or acknowledgement prior to implementation. Insurance Code Section 10506(h) permits the Commissioner to promulgate regulations to establish procedures for the review of these insurance products.

EFFECT OF PROPOSED ACTION

The proposed regulation specifies defines what material changes are still subject to the Commissioner's prior approval and it defines what constitutes a Mutual Fund Investment. The proposed regulation sets out criteria for the Commissioner to consider in

determining if a variable product involves hazardous operations. The proposed regulation also establishes what constitutes a complete filing and the types of forms that should accompany a filing.

**MANDATES ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

**COST OR SAVINGS TO STATE/LOCAL
AGENCY OR SCHOOL DISTRICT OR
IN FEDERAL FUNDING**

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

**ECONOMIC IMPACT ON BUSINESSES
AND THE ABILITY OF CALIFORNIA
BUSINESSES TO COMPETE**

The Commissioner has made an initial determination that the proposed regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are life insurers. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites interested parties to submit proposals. Submissions may include the following considerations:

1. The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
2. Consolidation or simplification of compliance or reporting requirements for businesses.
3. The use of performance standards rather than prescriptive standards.
4. Exemption or partial exemption from the regulatory requirements for businesses.

The proposed regulations will impose recordkeeping and compliance requirements on life insurers. Since 1997, insurers have been using Insurance Department Bulletin 97-2 to assist in filing material changes to their variable life or variable annuity authority. The recordkeeping and compliance requirements that were part of Insurance Department Bulletin

97-2 have been incorporated into these proposed regulations. The forms described in proposed Section 2534.47 are the same forms that have been used pursuant to Insurance Department Bulletin 97-2. These forms require insurers to certify that their filing complies with the proposed regulations and to describe the nature of the material change to their variable authority. As part of this process, insurers will be required to provide background material concerning their involvement in variable products and to disclose if they have been involved in any disciplinary actions in the variable products area. Insurers will be required to describe the nature of their variable product, new fund or new subaccount. In addition, insurers will be required to describe any other material change to their variable authority. As part of their filing, insurers may also be required to provide associated documents that had previously been filed with the Securities and Exchange Commission and certain documents relating to their variable products.

**POTENTIAL COST IMPACT ON PRIVATE
PERSONS OR ENTITIES/BUSINESSES**

The Commissioner is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

FINDING OF NECESSITY

The Commissioner finds that is necessary for the welfare of the people of the state that the regulations apply to businesses.

**EFFECT ON JOBS AND BUSINESSES
IN CALIFORNIA**

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of new businesses, and the expansion of businesses currently operating in the state. The Commissioner does not foresee that the proposed regulations will have an impact on any of the above but invites interested parties to comment on the issue.

IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are imposed or would be as effective as and less burdensome to affected private persons than

the proposed regulations. The Commissioner invites public comment on alternatives to the regulations.

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed amendments will not affect small businesses. Pursuant to Government Code section 11342.610, subdivision (b), paragraph (2), insurers are not small businesses.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed regulations. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available for inspection and copying at 45 Fremont Street, 24th Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. On the right side of the page, find the major heading "Quick Links". In this section, scroll down until you see the subheading "Legal Information". Click on the link. On the next page at the top of the page, there will be a link entitled "Proposed Regulations". Click on the link. When the "Search or Browse for Documents for Proposed Regulations" screen appears, you may choose to find the documents either by conduct a search or browsing for them by name.

To search, enter "RH02024219" (the Department's regulation file number for these regulations) in the search field. Alternatively, search using as your search term the California Insurance Code section number of a code section that the regulations implement (for instance, "10506(h)") or search by keyword (for example "AB 2778 Variable Product Regulations"). Then, click on the "Submit" button to display links to the various filing documents.

To browse, click on the "Browse All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posed will appear. Find in the list the "AB 2778 Variable Product Regulations" link, and click it. Links to the documents associated with these regulations will then be displayed.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ from those that have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Chapter 1, Division 1, Article 2.1, Commercial Driver Licenses, Sections 28.18, 28.19, 28.20, 28.21, 28.22, and 28.23 of Title 13, California Code of Regulations, concerning Physical and Medical Requirements for Class A, B, or Commercial Class C Driver Licenses; or Ambulance Driver Certificates.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m. on *June 27, 2005*, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Vehicle Code sections 12804.9(a), 12527(a), 15210, and 15275; as well as Sections 391.41 and 391.43 of Title 49, Code of Federal Regulations.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Commercial vehicle drivers are required to meet minimum physical and medical requirements prior to being issued a commercial license. California adheres to many of the guidelines set forth in Title 49, Sections 391.41 and 391.43, Code of Federal Regulations. High blood pressure is one of the disqualifying conditions identified in Title 49. The guidelines for high blood pressure readings have been amended in Title 49, Section 391.41, Code of Federal Regulations. This proposal will bring California's regulations into agreement with the Code of Federal Regulations.

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in support of this proposal.
- The adoption of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.

- The proposed regulatory action will not affect small businesses because the proposed regulatory action implements the guidelines established and required in the Code of Federal Regulations.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-5567, or cpatrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS**

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the initial statement of reasons and final statement of reasons once it has been prepared and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Notice, Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm web page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the

resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 16. CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 400 R Street, Suite 4000, Sacramento, California, at 10:00 a.m. on June 28, 2005. Written comments must be received by the Board at its office at the above address not later than June 27, 2005 at 5:00 p.m. or at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modification is sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE CITATIONS

Pursuant to the authority vested by Section 5526 of the Business and Professions Code, and to implement, interpret, or make specific Section 5550 of said Code, the California Architects Board is considering changes to Division 2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/PLAIN ENGLISH POLICY STATEMENT OVERVIEW

Amend Section 119.6—Computer-Based Examination Transition Plan.

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations governing examinations and other rules and regulations as may be necessary. Sections 5550 entitles any person who meets the qualifications set forth in the article to an examination for a license to practice architecture subject to the rules and regulations governing examinations.

Existing regulations specify the transition plan for previous divisions of the licensing examination to the current divisions of the computer-based Architect Registration Examination (ARE).

This proposal would amend the regulations in order to:

- Update the title of one of the ARE divisions from “Materials and Methods” to “Building Design / Materials & Methods.”

Amend Section 120—Re-Examination.

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations governing examinations and other rules and regulations as may be necessary. Sections 5550 entitles any person who meets the qualifications set forth in the article to an examination for a license to practice architecture subject to the rules and regulations governing examinations.

Existing regulations specify the re-examination procedures for candidates who must retake divisions of the ARE.

This proposal would amend the regulations in order to:

- Clarify the procedures for re-examination for divisions taken prior to January 1, 2006.
- Establish the procedures for re-examination for divisions taken on or after January 1, 2006, including the provision for conditional credit for passed divisions that shall remain valid for five years after the date a division was passed and that shall become full credit only if all remaining divisions have been passed within that five-year period.

LOCAL MANDATE

The proposed regulatory action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT ON PUBLIC AGENCIES/STD 399

The proposed regulatory action will not result in costs or savings to any state agency, costs or savings to any local agency or school district that is required to be reimbursed under Part 7 of Division 4 (commencing with Section 17500 of the Government Code), other nondiscretionary costs or savings on local agencies, or costs or savings in federal funding to the state.

COST IMPACT ON AFFECTED PRIVATE PERSONS

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

HOUSING COSTS

The proposed regulatory action will not have a significant effect on housing costs.

EFFECT ON SMALL BUSINESS

The proposed regulatory action will not affect small businesses, because it only affects candidates for licensure.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

California Architects Board
400 R Street, Suite 4000
Sacramento, CA 95814
Attn: Vickie Mayer
(916) 445-3394
(916) 445-8524 (FAX)
vickie_mayer@dca.ca.gov

The backup contact person is:

Sue Martin
(916) 445-3394
(916) 445-8524 (FAX)
sue_martin@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Vickie Mayer at (916) 445-3394.

COMMENT PERIOD

Written comments must be received by the Board at the California Architects Board, 400 R Street, Suite 4000, Sacramento, CA 95814 not later than June 27, 2005 at 5:00 p.m. or at the hearing to be held in the Board office at 10:00 a.m. on June 28, 2005.

AVAILABILITY OF MODIFICATIONS

With the exception of technical or grammatical changes, the full text of any modified proposal will be available from the person designated in this notice as contact person for 15 days prior to its adoption and will be mailed to those persons who submit written or oral testimony related to this proposed regulatory action or who have requested notification of any changes to the proposal.

REFERENCE TO TEXT AND INITIAL STATEMENT OF REASONS

The Board has prepared a statement of the reasons for the proposed action, which is available to the public upon request. The express terms of the proposed action and all information upon which the proposal is based are available upon request.

BUSINESS IMPACT

The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California

businesses to compete with business in other states, because it affects only candidates for examination and licensure.

IMPACT ON JOBS/NEW BUSINESSES

The proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California, because it affects only candidates for examination and licensure.

PUBLIC HEARING

A public hearing will be held at the California Architects Board, 400 R Street, Suite 4000, Sacramento, California, at 10:00 a.m. on June 28, 2005.

FEDERAL MANDATE

The proposed regulatory action is not mandated by federal law or is not identical to any previously adopted or amended federal regulation.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be either more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome on affected private persons than the proposed regulatory action. The actual determination must be part of both the Initial and Final Statement of Reasons.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Interested parties may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the contact person named above.

WEBSITE ACCESS

Materials regarding the proposed regulatory action can be found at www.cab.ca.gov.

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF PROPOSED RULEMAKING FOR THE HOME INVESTMENT PARTNERSHIPS (HOME)

NOTICE IS HEREBY GIVEN that the Department of Housing and Community Development (Department) proposes to formally amend regulations, which govern implementation of the State Home Investment

Partnerships Program (HOME). The existing regulations are codified in Title 25, Subchapter 2 (commencing with section 8200) of the California Code of Regulations.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period begins May 13 and closes at 5:00 p.m. on June 27. The Department will consider comments received during this timeframe. Please address your e-mail comments to Moira Monahan at mmonahan@hcd.ca.gov. Written comments can also be sent via mail to Moira Monahan, Department of Housing and Community Development, P.O. Box 952054, Sacramento, California 94252-2054, or via fax to (916) 322-2904, attention: Moira Monahan.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is scheduled for June 27, commencing at 10:00 a.m. at the Department's Headquarters Office, 1800 Third Street, Room 183, Sacramento, California. Any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest below. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimonies at the hearings.

AUTHORITY AND REFERENCE

HCD is conducting this rulemaking activity pursuant to the authority provided by Health and Safety Code Sections 50406 and 50896.3(b). These regulations implement, interpret and make specific amendments to Chapter 12 (commencing with Section 50896) of Part 2 of Division 31 of the Health & Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Health and Safety Code 50407 establishes that the Department is responsible for coordinating federal-state relationships in housing and community development. In conjunction with this responsibility, Health and Safety Code section 50406 directs the Department to be responsible for the allocation of Federal Home Investment Partnership Program funds. Consequently, the State of California receives money from the U.S. Department of Housing and Urban Development to make grants to eligible cities and counties and direct loans and grants to private organizations that qualify as Community Housing Development Organizations (CHDOs). These regulations establish procedures for the award and disbursement of HOME funds and

establish policies and procedures for the use of these funds to meet the purposes contained in Title II of Public Law No. 101-625, 104 Stat. 4079, known as the Cranston-Gonzalez National Affordable Housing Act of 1990 as amended by the Housing and Community Development Housing Act of 1992, Public Law No. 102-550. These funds can be used for a variety of housing-related uses provided the State, the cities and counties and the CHDOs comply with a comprehensive set of requirements prescribed by the Federal government regulations in 24 CFR part 92.

The major purpose of the proposed changes is to increase the expenditure rate of funds awarded to program contractors.

Section 8204. Eligible Applicant—This section establishes eligibility for an allocation of HOME funds. The Department proposes to add a requirement that an eligible applicant for the program allocation must have spent at least 50 percent of the aggregate total of program funds originally awarded. This requirement would pertain to contracts that have not yet reached their final expenditure deadlines.

Section 8210. Application Process—This section establishes the process by which the Department makes funding available. The Department proposes to amend this section to remove the requirement that funding awards must be announced within 80 calendar days after the application deadline. The law requiring this deadline has been repealed, and due to changes in administrative procedures, the Department needs several more days to complete its application review and announce awards.

Section 8211. Application Requirements/Form—This section establishes basic requirements for applications for HOME funds. It is being amended solely to delete the requirement that applicants proposing programs choose a milestone schedule.

Section 8212. Application Selection and Evaluation—This section establishes the rating factors used to evaluate applications. The Department proposes to delete all rating factors that use expenditure milestones, and change the points for categories containing these factors. This section is also being amended to delete the requirement that applications proposing programs must have a minimum point score to be eligible for funding.

Section 8212.1. Allocation by Type of Activity and Rural Location—This section describes the method of allocation for HOME funds used by the Department. The proposed amendment to this section permits the Department to determine how to allocate remaining funds when a project or program allocation is undersubscribed, and describes the factors the Department will consider in making this determination.

Section 8213. Conditional Reservation of Funds—This section describes how funds are awarded. It is being amended to delete the requirement that program applications must have a minimum point score in order to be eligible for funding.

Section 8217. Project Deadlines—This section establishes deadlines for projects and expenditure milestones for programs funded by HOME. All the portions of this section that detail expenditure milestone provisions are being deleted in this amendment.

IMPACT OF PROPOSED REGULATIONS

LOCAL MANDATE

Federal Law mandates the requirements. The Department has determined that these regulations do not impose a mandate on local agencies or school districts. Eligibility for the program is limited to entities demonstrating willingness and capacity to develop and administer affordable housing. In any case, participation in the program is voluntary.

FISCAL IMPACT

The Department has determined that no savings or increased costs to any State agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in Federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has determined that the proposed action has no significant impact on housing costs in California.

INITIAL DETERMINATION OF STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT STATEMENT

The Department has determined that the regulations will not affect the creation or elimination of jobs in California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently operating in California. In any case, participation in the program is voluntary.

COST IMPACTS ON PRIVATE PERSONS OR BUSINESSES DIRECTLY AFFECTED

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. While private businesses (including nonprofits) and individuals are eligible to receive program funds under the program, participation is voluntary.

CONSIDERATION OF ALTERNATIVES

The Department of Housing and Community Development must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND STATEMENT OF REASONS

The text of the proposed regulations is available upon request, along with the Initial Statement of Reasons, prepared by the Department, which provides the reasons for the proposals, and is available on the Department's web site, at www.hcd.ca.gov. All information the Department is considering as a basis for this proposal is maintained in a rulemaking file, which is available for inspection at the address noted below. Copies can be obtained by contacting Moira Monahan at the address and telephone number noted below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Moira Monahan at the address indicated below. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting Moira Monahan at the address and telephone number noted below.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code section 11346.9. This document will be available from the contact person named below.

CONTACT PERSON

HCD: **MOIRA MONAHAN**
(916) 327-3618

HCD BACK-UP: **LENORA FRAZIER**
(916) 323-7288

HCD Address: **State Department of Housing
and Community Development
1800 Third Street, Room 390
Sacramento, California 95814**

HCD Website: Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations may be accessed through our website at
www.hcd.ca.gov

HCD Facsimile No: (916) 322-2904

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period. Inquiries concerning the substance of the proposed rulemaking action, as well as request for the documents noted should be directed to:

Moira Monahan, HOME Program Specialist
Department of Housing and
Community Development
1800 Third Street, Suite 390
Sacramento, California 95814
Telephone (916) 327-3618
Fax No.: (916) 322-2904
E-mail: mmonahan@hcd.ca.gov

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION
Fish and Game Code Section 2080.1
Tracking Number 2080-2005-007-06

PROJECT: Chino Creek Bridge Replacement
Project on Route 83 Postmile 0.9

LOCATION: San Bernardino County

NOTIFIER: Melissa Williams, California Department of Transportation-District 8

BACKGROUND

The project is a replacement of the existing Chino Creek Bridge. The existing bridge is 31.1 meters (102 feet) long and 12.4 meters (40.7 feet) wide. The proposed bridge will be 44.0 meters (144 feet) long and 14.25 meters (46.8 feet) wide, and will be raised 0.28 meters (0.92 feet) above existing grade. No new lanes will be added, however, a 3.0 meter (10-foot) shoulder will be constructed on both sides of the bridge. The proposed bridge will be skewed an additional 12 degrees to parallel the existing upstream channel to better handle the water flow and to prevent or lessen scouring. The existing concrete piers are about 12 meters (40 feet) long and spaced roughly 10 meters (31 feet) apart. These will be removed and replaced with three smaller piers angled to reduce water turbulence and hence, scour, as flows pass under the new bridge. The existing Chino Creek Bridge (Bridge No. 54-426) is located on Statue Route 83 at postmile 0.9, approximately 1.5 kilometers (0.9 miles) north of the SR-71/83 junction, San Bernardino County, California, U.S.G.S. Section 6. Township 3 South, Range 7 West (Prado Dam 7.5' USGS Quadrangle). The project will result in the permanent loss of 0.04 acres of least Bell's vireo habitat, due to increasing the water flow under the bridge which will inundate 0.04 acres of current vegetation. There will also be direct temporary impacts of 0.23 acres as a result of vegetation removal for construction and access to Chino Creek.

Because of the project's potential to result in take of species protected under the Federal Endangered Species Act, the U.S. Fish and Wildlife Service (Service) issued Biological Opinion No. FWS-SB-2670.4 on January 14, 2005 for the Chino Creek Bridge Replacement Project, State Route 83, Prado Basin, San Bernardino County. The biological opinion describes the project actions and sets forth measures to mitigate impacts to the least Bell's vireo (*Vireo bellii pusillus*) and its habitat. The least Bell's vireo is listed as Endangered under the Federal Endangered Species Act and the California Endangered Species Act (CESA), Sections 2050 et seq. Fish and Game Code. On March 28, 2005, the Director of the Department of Fish and Game ("Department") received a notice from Ms. Melissa Williams of the California Department of Transportation District 8 ("Caltrans—District 8") seeking a determination pursuant to section 2080.1 of the Fish and Game Code that the Federal biological opinion is consistent with CESA.

DETERMINATION

After reviewing the above-referenced biological opinion and other relevant documents, the Department has determined that Biological Opinion No. FWS-SB-2670.4 is consistent with CESA because the project

and mitigation measures meet the conditions set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species protected under CESA. Measures incorporated into the project and described in the biological opinion require the following:

1. Caltrans—District 8 must contribute \$41,200.00 to the Riverside-Corona Resource Conservation District, which will remove 1.0 acre of eucalyptus trees within Prado Basin and replant the area with mulefat and willow species. This would provide for approximately a 4:1 mitigation ratio, as the total impacts to habitat equal 0.265 acres.
2. Also, 0.23 acres of riparian/wetland vegetation will be planted on-site in the temporarily impacted areas. These areas will be monitored for 5 years or until the site is deemed successful by the Department and the Service.

Caltrans has also provided a letter to the Department dated April 11, 2005, going over their responsibility for the mitigation measures (see attachment), and stating that the mitigation money is set aside for this particular project.

Measures were also included in the Biological Opinion's Conservation Measures (and incorporated into the project) to avoid, minimize, and offset adverse effects of the project to least Bell's vireo in adjacent habitat areas.

Pursuant to section 2080.1 of the Fish and Game Code, incidental take authorization under CESA will not be required for incidental take for least Bell's vireo as a result of the project. If there are any substantive changes to the project as described in the Biological Opinion, including changes to the mitigation measures, or if the Service amends or replaces the Biological Opinion, Caltrans will need to obtain a new Consistency Determination or a CESA incidental take permit from the Department for any Project activities that might result in take of least Bell's vireo.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

CESA No. 2080-2005-008-02

PROJECT: Humboldt Road Burn Dump Remediation Project
 LOCATION: City of Chico, Butte County
 NOTIFIER: City of Chico, Mr. Cliff Sellers
 APPLICANT: City of Chico

BACKGROUND

The Humboldt Road Burn Dump Remediation Project in Chico, California is located near the intersection of Bruce Road and Humboldt Road in the

easterly City limits of Chico, Butte County, California. It is situated in Township 22 North, Range 2 East, Section 30 (Mount Diablo Baseline and Meridian) and is located approximately two miles east of the intersection of State Route 99 and State Route 32. It includes six parcels covering approximately 20 acres. Four of the parcels are located west of Bruce Road and two are located east of Bruce Road. Humboldt Road forms the southern boundary for all of these parcels.

The waste material from the six parcels being addressed by the City of Chico would be consolidated at a single onsite disposal cell. The consolidation area would cover the ten-acre Scott parcel. This ten-acre area contains over 88 percent of the waste material present on all six of the parcels. Thus, using this area for the onsite disposal cell would minimize the amount of waste that has to be transported to the consolidation area. A California Code of Regulations (CCR) Title 27-equivalent cap would be constructed over the consolidated waste.

Waste material currently present in the consolidation area would be covered with clean imported fill or other dust suppressant, then graded and compacted to provide a stable foundation on which to construct a final cover system. Grading is also necessary to enhance drainage and properly end the cap along the cell perimeter. During grading and compaction activities, the contractor would use water and other dust-suppressing agents to control excessive dust. A 4- to 12-inch layer of clean imported soil would be placed over the waste before compaction activities to minimize the generation of dust containing lead or other hazardous substances.

Approximately 35,000 cubic yards of waste material from the former Dunn parcel (APN 011-030-137) and the four parcels located west of Bruce Road (APNs 002-180-087, 002-180-088, 002-180-089, and 002-180-095) would be excavated down to bedrock or native soil and transported to the consolidation area. Waste material would be removed using excavators or pushed into piles using bulldozers. As waste is added to the consolidation area, the surface of the onsite disposal cell would be graded, compacted, and contoured to the general slope and shape of the final cap design. Twelve inches of clean imported soil would be placed over the waste before any compaction activities to minimize the generation of dust containing lead or other hazardous substances. After the final grading and compaction of the waste material in the consolidation area is complete, a cap would be constructed over the waste. The cap would meet the relevant construction requirements in Title 27 of the California Code of Regulations and a site Construction Quality Assurance Plan for the final cover system.

Because of the project's potential for take of Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*) and its habitat, the U.S. Army Corps of Engineers consulted with the U.S. Fish and Wildlife Service (Service), as required by the Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.). On March 4, 2005 the Service issued Biological Opinion No. 1-1-05-F-0035 for the City of Chico's Humboldt Road Burn Dump Remediation Project (Corps # 200400865) (SCH # 2004042024 July 2004) describing the project actions and setting forth measures to mitigate impacts to Butte County meadowfoam and its habitat. Butte County meadowfoam is listed as an endangered species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). On March 31, 2005, the Director of the Department of Fish and Game (DFG) received a notice from EDAW, Inc. (representing the City of Chico) pursuant to Fish and Game Code section 2080.1, requesting a determination that the Federal Biological Opinion is consistent with CESA.

DETERMINATION

Based on the terms and conditions in the federal Biological Opinion No. 1-1-05-F-0035, DFG has determined that the project is consistent with CESA because the project and mitigation measures meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorization of incidental take of species protected under CESA. DFG specifically finds that the measures identified in the Biological Opinion (BO) will minimize and fully mitigate the project's potential impacts on the Butte County meadowfoam. These measures include, but are not limited to, the following requirements:

- 1) To compensate for the loss of 0.008 acres of Butte County meadowfoam the City of Chico proposes to purchase preservation credits at a ratio of 19:1 at the Dove Ridge Conservation Bank, in Butte County. A total of 0.15 acre of preservation credits for Butte County meadowfoam will be purchased from the Dove Ridge Conservation Bank.
- 2) The City of Chico will comply with all other avoidance and minimization measures set forth in the Service BO.

Pursuant to Fish and Game Code section 2080.1, and based on this determination, incidental take authorization under CESA will not be required for incidental take of Butte County meadowfoam that may result with implementation of the project, provided the City of Chico implements the project as described in the BO and complies with the mitigation measures and other conditions described in the BO. If there are any substantive changes to the project, including changes to the mitigation measures, or if the Service amends or

replaces the BO, the City of Chico will be required to obtain a new consistency determination or a CESA incidental take permit from DFG for the project.

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Revised Suisun Marsh Preservation Agreement (SMPA) Solano County

The Department of Fish and Game (DFG) received notice on April 8, 2005 that the California Department of Water Resources (DWR) proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of revising the 1987 SMPA and associated mitigation and monitoring agreements in order to implement various management activities in the Suisun marsh.

The National Marine Fisheries Service (NOAA Fisheries) authorized the proposed changes to the project in a letter to the Federal Bureau of Reclamation (BOR) (151422SWR04SR20181:MEM) dated February 8, 2005. The letter considers project activities and concludes that the proposed revisions to the SMPA are unlikely to affect the Federally and State endangered Sacramento River winter-run Chinook Salmon (*Oncorhynchus tshawytscha*) and the Federally and State threatened Central Valley spring-run Chinook Salmon (*Oncorhynchus tshawytscha*) beyond what was previously authorized. The U.S. Fish and Wildlife Service (USFWS) authorized the proposed changes to the project in a letter to BOR (1-1-05-I-0264) dated January 28, 2005. The letter considers project activities and concludes that the proposed revisions to the SMPA are unlikely to affect the Federally and State threatened delta smelt (*Hypomesus transpacificus*).

Pursuant to California Fish and Game Code Section 2080.1, DWR is requesting a determination that the authorizations to implement the revisions to the project are consistent with CESA.

If DFG determines that the federal authorizations are consistent with CESA, DWR will not be required to obtain an incidental take permit under CESA for continued implementation of the proposed project.

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR State Water Project Delta Facility Increased Diversion Project Contra Costa County

The Department of Fish and Game (DFG) received notice on April 21, 2005 that the California Department of Water Resources (DWR) proposes to rely on

consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of increasing the maximum allowable daily diversion rate into Clifton Court Forebay by 500 cfs/day during the months of July, August, and September. The project has been previously approved by DFG; this notification seeks approval to extend the project through 2008. The prior federal biological opinions from the National Marine Fisheries Service (NOAA Fisheries) and the U.S. Fish and Wildlife Service (USFWS) authorize take of the Federally and State endangered Sacramento River winter-run Chinook Salmon (*Oncorhynchus tshawytscha*), the Federally and State threatened Central Valley spring-run Chinook Salmon (*Oncorhynchus tshawytscha*), and the Federally and State threatened delta smelt (*Hypomesus transpacificus*).

NOAA Fisheries authorized an extension of project activities in a letter to the Federal Bureau of Reclamation (BOR) (151422SWR04SA9116:BFO) dated August 31, 2004. USFWS authorized an extension of project activities in a letter to BOR (1-1-04-I-2285) dated September 13, 2004. The authorizations require BOR to continue to comply with all conditions of approval of the prior biological opinions.

Pursuant to California Fish and Game Code Section 2080.1, DWR is requesting a determination that the authorizations to continue implementation of the project are consistent with CESA.

If DFG determines that the federal authorizations are consistent with CESA, DWR will not be required to obtain an incidental take permit under CESA for continued implementation of the proposed project.

DEPARTMENT OF FISH AND GAME

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Monitoring and research of the California Least Tern and Light-footed Clapper Rail

The Department of Fish and Game ("Department") received a proposal from Mr. Thomas P. Ryan, Foothill Associates, requesting authorization to take California Least Tern (*Sterna antillarum browni*) and Light-footed Clapper Rail (*Rallus longirostris levipes*), both Fully Protected bird species, for research purposes, consistent with the protection and recovery of these species.

The applicant is required to have a Scientific Collecting Permit (SCP) to take protected species of birds. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species.

With cooperation from the U.S. Fish and Wildlife Service and California Department of Fish and Game, Mr. Ryan will monitor California least terns nesting at Venice Beach, California between April 15 and the end of the nesting season, approximately August 1.

The goals of this monitoring are to: 1) obtain information on the nesting colony including number of adults present, number of active nests, number of eggs, number of eggs per nest, and number of chicks present; and 2) monitor the colony site for predators on least tern eggs, chicks and adults and notify CDFG staff if signs of predation are observed.

In order to accomplish goal #1, Mr. Ryan will intensively monitor the colony once per week. During this visit Mr. Ryan will walk through the colony and count the number of adults present, find nests and mark the nest with a numbered tongue depressor and count the number of eggs and/or chicks in the nest. The location of the nest will also be marked on a grid-map of the site. Colony walk-throughs will be continued until either August 1, 2005 or when the terns abandon the colony. In order to accomplish goal #2, during the weekly walk-through, Mr. Ryan will look for signs of predators or predation, including tracks within the colony and predated eggs, chicks and adults.

Mr. Ryan proposes to conduct presence/absence surveys of Clapper Rails according to methods used by Zembal and Massey (1981). The purpose of these population surveys is to determine if this species is present or absent within a specified location. Mr. Ryan will first conduct passive listening surveys in a given area. If there is proper habitat and Mr. Ryan is unable to detect spontaneous calls from rails in the area, he may use a tape playback to elicit calls from any Clapper Rails present using the following methods:

- A. Disturbance of rails will be minimized during the breeding season.
- B. Taped vocalizations shall be used only from March 1 to April 15th. When taped vocalizations are played in potential breeding habitat, the following additional requirements will be adhered to:
 - a. At each point the observer will listen passively for 5 minutes prior to playing a taped vocalization.

- b. Taped calls will not be used if the surveyor detects potential avian or mammalian predators.
- c. All due precautions will be taken to limit surveyor impact to marsh vegetation and resident rails by establishing survey routes that incorporate existing roads or trails; avoiding heavily vegetated rail habitat; and by knowledge of where rails nest and what the nests look like.
- d. Surveys will be conducted within one hour before to one hour after sunrise and sunset, and during low or moderate tides.
- e. Following the 5 minute passive listening period, if no rails are detected, tapes will be played through a series of approximately three calls (less than 1 per minute), and repeated at 5–10 minute intervals to allow rails time to respond.
- f. Taped vocalizations will not be played once rails are detected.

No terns or rails, including eggs and chicks, will be sacrificed during this study. Sick or injured birds may be captured for examination or rehabilitation. Dead birds and eggs may be removed from nesting areas to avoid attracting predators or to salvage specimens for research.

Study locations are in coastal wetlands of southern California, and the Department will be notified prior to any activity. This activity will benefit this species by increasing knowledge of its range and population status. This information will help wildlife managers to plan for population-level protection and will assist in the mitigation of impacts to this species from projects that may occur within or near proper habitat.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant, as the Principal Investigator, to carry out the proposed activities. As these birds are also a federally endangered species, applicants are required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of a Fully Protected Bird after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of a Fully Protected bird, it would issue the authorization for a term of three years. Contact: Habitat Conservation Planning Branch, 1416 Ninth Street, Sacramento, CA 95814, Attn.: Dale Steele.

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

NOTICE TO INTERESTED PARTIES

**AVAILABILITY OF HAZARD IDENTIFICATION
MATERIALS FOR 1,2,4-TRICHLOROBENZENE
AND ANNOUNCEMENT OF THE CARCINOGEN
IDENTIFICATION COMMITTEE MEETING**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986¹ (Proposition 65). The Carcinogen Identification Committee (CIC) of OEHHA's Science Advisory Board advises and assists OEHHA in compiling the list of chemicals known to the State to cause cancer as required by Health and Safety Code section 25249.8. The Committee serves as the State's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer.

On March 12, 2004, OEHHA requested information relevant to the assessment of the evidence of carcinogenicity for 1,2,4-trichlorobenzene, a chemical to be considered by the CIC for possible addition to the Proposition 65 list. The 60-day data call-in period ended on May 11, 2004. No information or data were received on 1,2,4-trichlorobenzene.

OEHHA has prepared the hazard identification materials for 1,2,4-trichlorobenzene and announces the availability of the document entitled: "Evidence on the Carcinogenicity of 1,2,4-Trichlorobenzene." Included as attachments to this document are five additional items. Attachment I is the 1999 OEHHA document entitled: "Public Health Goals for Chemicals in Drinking Water. 1,2,4-Trichlorobenzene." Attachment II consists of relevant sections of a final report submitted to the U.S. EPA entitled: "104-Week Dietary Carcinogenicity Study with 1,2,4-Trichlorobenzene in Mice." Attachment III consists of relevant sections of a final report submitted to the U.S. EPA entitled: "104-Week Dietary Carcinogenicity Study with 1,2,4-Trichlorobenzene in Rats." Attachment IV is an additional research paper not

¹ Health and Safety Code section 25249.5 et seq.

reviewed in Attachment I (Mizutani T, Miyamoto Y 1999 Modulation of halobenzene-induced hepatotoxicity by DT-diaphorase modulators, butylated hydroxyanisole and dicumarol: evidence for possible involvement of quinone metabolites in the toxicity of halobenzenes. *Toxicology Letters* **105**:25-30). Attachment V consists of data submitted under the Toxic Release Inventory program for the years 1999 to 2002 for 1,2,4-trichlorobenzene. Copies of the document and attachments are available from the Proposition 65 Implementation Office and may be requested by calling (916) 445-6900. All of the documents, with the exception of Attachment IV, are also available through the Internet at the following address: <http://www.oehha.ca.gov/>. This notice marks the beginning of a 60-day public comment period. Comments should be submitted in triplicate and directed to:

Cynthia Oshita
Office of Environmental Health
Hazard Assessment
Proposition 65 Implementation
P.O. Box 4010
1001 I Street, 19th floor
Sacramento, California 95812-4010
FAX (916) 323-8803

Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: coshita@oehha.ca.gov. In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on Tuesday, July 12, 2005.

OEHHHA will organize and index the comments received and forward the information to the CIC members prior to the meeting at which the candidate chemical will be considered. The next meeting of the CIC is scheduled for **Friday, August 12, 2005**. The meeting will be held at the California Environmental Protection Agency Headquarters Building, Sierra Hearing Room, at 1001 I Street, Sacramento, California. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting will be provided in a future public notice published in advance of the August 12 meeting.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE OF DECISION ON PETITION FOR RULEMAKING

(Government Code Section 11340.7)

By letter dated April 8, 2005, John M. Lemmon, General Counsel, Dairy Institute of California (Petitioner) petitioned the Department of Food and Agriculture of the State of California (Department) to add new Article 14.9 to Chapter 1, Division 2, of Title 3 of the California Code of Regulations. The proposed new article would establish testing procedures which must be followed in determining whether a California fluid milk product complies with the compositional standards imposed by sections 35784, 38181, 38191 and 38211 of the Food and Agricultural Code for each respective product.

PROVISIONS OF THE CODE OF REGULATIONS REQUESTED TO BE AFFECTED

Title 3, California Code of Regulations, Chapter 1, Division 2.

AUTHORITY AND REFERENCE CITED IN THE PETITION

Sections 35784, 38181, 38191 and 38211, Food and Agricultural Code.

DEPARTMENT DECISION

Notice is hereby given that the Department accepts the petition, in part, for the reasons set forth below.

REASONS SUPPORTING THE DEPARTMENT'S DETERMINATION

The Department agrees in part with the petition, in that amendments to the California Code of Regulations are needed to update and clarify approved milk testing methodologies and to address analytical variation in official tests of finished fluid milk products. Therefore, pursuant to Government Code section 11340.7, the Department intends to schedule this matter for public hearing in accordance with the notice and hearing requirements of the California Government Code.

AGENCY CONTACT PERSON

Kristen Dahl, Dairy Program Coordinator
Department of Food and Agriculture
1220 N Street, Room A-170
Sacramento, CA 95814
(916) 654-0773

AVAILABILITY OF THE PETITION

Interested persons may obtain a copy of the petition for rulemaking by requesting a copy from the agency contact person.

DISAPPROVAL DECISIONS

**DECISIONS OF DISAPPROVAL OF
REGULATORY ACTIONS**

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339; (916) 323-6225; FAX (916) 323-6826. Please request by OAL file number.

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW
(Government Code Section 11349.3)
OAL FILE NO. 05-0316-01 S**

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

In re:

**AGENCY: CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

ACTION: Adopt sections 17939.1, 17939.2 17939.3, 17939.4 and 17939.5 and Amend sections 17930, 17931, 17932, 17933, 17934, 17934.1, 17934.3, 17934.5, 17935 17935.1, 17935.2, 17935.3, 17935.4, 17935.5, 17935.55, 17935.6 and 17936 of Title 14 of the California Code of Regulations

BACKGROUND

The California Integrated Waste Management Board proposed updating the Recycling Market Development Loan program with a new specification of application requirements, a new procedure for determination of loan interest rates, miscellaneous updates, and a new article with rules that identify programs and activities the Board may participate in for the purpose of leveraging funds from the Recycling Market Development Revolving Loan Program Sub-account. On March 16, 2005, these changes were submitted to OAL for review, and on April 27, OAL disapproved the proposed changes. This Decision of Disapproval explains the reasons for OAL's action.

Date: May 4, 2005

David Potter
Senior Counsel

for: William L. Gausewitz
Director

Original: Marie W. Carter, Chief Counsel
cc: John R. Nuffer

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EQUALIZATION

Expiration of Heat Applied Decal Tax Stamps

In this regulatory action, the State Board of Equalization readopts (with amendments) an emergency regulation under the Cigarette and Tobacco Products Tax Law pertaining to the cigarette excise tax and the expiration of heat-applied decal tax stamps.

Title 18
California Code of Regulations
ADOPT: 4056.1
Filed 04/29/05
Effective 04/29/05
Agency Contact:
Joann Richmond

(916) 322-1931

BOARD OF EQUALIZATION

Conflict of Interest Codes

This filing updates the Board's conflict of interest code regulation. It was approved by the FPPC on 2/24/05.

Title 18
California Code of Regulations
AMEND: 6001
Filed 05/04/05
Effective 06/03/05
Agency Contact:
Joann Richmond

(916) 322-1931

CALIFORNIA HORSE RACING BOARD

Application for License to Conduct a Horse Racing Meeting

This regulatory action reduces the maximum dosage amount that a test sample shall contain for flunixin from 6.5 micrograms to 20 nanograms, for ketoprofen from 50 nanograms to 10 nanograms, and changes authorized bleeder medication procedures in accordance with recommendations made by the Racing Medication and Testing Consortium.

Title 4

California Code of Regulations

AMEND: 1844, 1845

Filed 04/27/05

Effective 05/27/05

Agency Contact: Harold Coburn (916) 263-6397

DENTAL BOARD OF CALIFORNIA

Approval of Pit and Fissure

This regulatory action establishes the minimum criteria providers must meet to obtain Board approval for a course in the application of pit and fissure sealants. This regulation specifies the course requirements for prerequisites, administration and faculty, course length, facilities and resources, program content, externship instruction, and student evaluation and examination.

Title 16

California Code of Regulations

ADOPT: 1070.3

Filed 04/28/05

Effective 05/28/05

Agency Contact: Linda Madden (916) 263-2300

DEPARTMENT OF DEVELOPMENTAL SERVICES

Family Cost Participation Program

This is the readopt of a prior emergency regulatory action (OAL file no. 04-1222-04E) that implemented the Family Cost Participation Program.

Title 17

California Code of Regulations

ADOPT: 50243, 50245, 50247, 50249, 50251, 50253, 50255, 50257, 50259, 50261, 50262, 50263, 50265, 50267

Filed 05/02/05

Effective 05/04/05

Agency Contact:

Larry Lipsmeyer (916) 654-3355

DEPARTMENT OF INSURANCE

Special Investigative Unit Regulations

This is the fifth re-adoption of an emergency action that repeals the former regulations on special investigative units of insurance companies and adopts new

regulations in their place in order to increase the detection and deterrence of insurance fraud, thereby protecting the public welfare.

Title 10

California Code of Regulations

AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45

Filed 04/29/05

Effective 04/29/05

Agency Contact: Debra Chaum (415) 538-4115

DEPARTMENT OF JUSTICE

(DMV) Lesser-Retailer Surety Bond

The Department of Justice is adopting section 51.24, title 11, California Code of Regulations (Lessor-Retailer Surety Bond for the Department of Motor Vehicles).

Title 11

California Code of Regulations

AMEND: 51.24

Filed 05/03/05

Effective 05/03/05

Agency Contact: Anne M. Burr (415) 703-1403

DEPARTMENT OF JUSTICE

(Dept. of Real Estate) Prepaid Rental Listing Service Bond

This is a surety bond form of the Department of Real Estate concerning Prepaid Rental Listing Service Bond. The action is submitted for filing with the Secretary of State and printing only.

Title 11

California Code of Regulations

ADOPT: 61.8

Filed 05/04/05

Effective 05/04/05

Agency Contact: Anne M. Burr (415) 703-1403

DEPARTMENT OF JUSTICE

Driving School Owner, Etc Principal Surety Bond

This is a surety bond form of the Department of Motor Vehicles for driving school owner or all-terrain vehicle safety training organization. This action is submitted for filing with the Secretary of State and printing only.

Title 11

California Code of Regulations

ADOPT: 51.25

Filed 05/04/05

Effective 05/04/05

Agency Contact: Anne M. Burr (415) 703-1403

DEPARTMENT OF JUSTICE

(DMV) Vehicle Verifier Surety Bond

This is a surety bond form of the Department of Motor Vehicles concerning Vehicle Verifier Surety Bond. This is submitted for filing with the Secretary of State and printing only.

Title 11

California Code of Regulations

AMEND: 51.2

Filed 05/04/05

Effective 05/04/05

Agency Contact: Anne M. Burr (415) 703-1403

DEPARTMENT OF JUSTICE

(DMV) Motor Vehicle Ownership Surety Bond

This is a surety bond form of the Department of Motor Vehicles concerning Motor Vehicle Ownership Surety Bond. This is submitted for filing with the Secretary of State and printing only.

Title 11

California Code of Regulations

ADOPT: 51.23

Filed 05/04/05

Effective 05/04/05

Agency Contact: Anne M. Burr (415) 703-1403

DEPARTMENT OF JUSTICE

(DMV) Dealer Surety Bond

This is a Department of Motor Vehicle surety bond form concerning dealer surety bond. This is submitted for filing with the Secretary of State and printing only.

Title 11

California Code of Regulations

AMEND: 51.7

Filed 05/04/05

Effective 05/04/05

Agency Contact: Anne M. Burr (415) 703-1403

DEPARTMENT OF JUSTICE

(DMV) Undocumented Vessel Surety Bond

The Department of Justice is amending section 51.12, title 11, California Code of Regulations (Undocumented Vessel Surety Bond for the Department of Motor Vehicles).

Title 11

California Code of Regulations

AMEND: 51.12

Filed 05/03/05

Effective 05/03/05

Agency Contact: Anne M. Burr (415) 703-1403

DEPARTMENT OF JUSTICE

(DMV) IVS Owner Surety Bond

The Department of Justice is amending section 51.15, title 11, California Code of Regulations (Traffic Violator School (TVS) Owner Surety Bond for the Department of Motor Vehicles).

Title 11

California Code of Regulations

AMEND: 51.15

Filed 05/03/05

Effective 05/03/05

Agency Contact: Anne M. Burr (415) 703-1403

DEPARTMENT OF JUSTICE

(DMV) Remanufacturer Surety Bond

The Department of Justice is amending section 51.14, title 11, California Code of Regulations (Remanufacturer Surety Bond for the Department of Motor Vehicles).

Title 11

California Code of Regulations

AMEND: 51.14

Filed 05/03/05

Effective 05/03/05

Agency Contact: Anne M. Burr (415) 703-1403

DEPARTMENT OF MOTOR VEHICLES

Window Decal For Vehicles w/Wheelchair Lift or Carrier

This regulatory action permits a person who has been issued a disabled person plates or placard to apply for a window decal if the vehicle has a wheelchair life or carrier which obstructs the view of the vehicle's rear license plate.

Title 13

California Code of Regulations

ADOPT: 159.10

Filed 05/03/05

Effective 06/02/05

Agency Contact:

Bonnie DeWatney (916) 657-8954

FAIR POLITICAL PRACTICES COMMISSION

Gift Cluster Regulations

The Fair Political Practices Commission is adopting section 18640, and amending sections 18941.1, 18946, 18946.1, 18946.2, and 18946.4, title 2, California Code of Regulations. These regulations pertain to payments for food, reporting and valuation of gifts, reporting and valuation of gifts—passes and tickets, reporting and valuation of gifts—testimonial dinners and events, invitation-only events, and ceremonial functions, reporting and valuation of gifts—tickets to nonprofit and political fundraisers, and activity expenses.

Title 2

California Code of Regulations

ADOPT: 18640 AMEND: 18941.1, 18946, 18946.1, 18946.2, 18946.4

Filed 05/02/05

Effective 06/01/05

Agency Contact:

William J. Lekeit (916) 322-5660

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Scaffold Ladder

This action adopts design specifications and use requirements for manufactured “attachable ladders” used with scaffolding.

Title 8

California Code of Regulations

AMEND: 1637

Filed 04/28/05

Effective 05/28/05

Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

**Hand Weeding, Hand Thinning & Hand Hot—
Capping Operations in Agricultural**

This is the certification of compliance for an action that prohibits weeding and thinning by hand in agricultural operations in excess of 20 percent of an employee’s work week, subject to four specified exceptions.

Title 8

California Code of Regulations

AMEND: 3456

Filed 04/29/05

Effective 04/29/05

Agency Contact: Marley Hart (916) 274-5721

SECRETARY OF STATE

Notary Public Education

The regulatory action deals with vendors who require approval by the Secretary of State before they can provide notary public education.

Title 2

California Code of Regulations

ADOPT: 20800.1, 20800.2, 20800.3, 20800.4, 20800.5 20800.6, 20800.7, 20800.8, 20800.9, 20801.1, 20801.2, 20801.3 AMEND: 20800, 20801, 20802

Filed 05/03/05

Effective 05/03/05

Agency Contact: Lisa B. Niegel (916) 653-3345

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN DECEMBER 15, 2004
TO MAY 4, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation’s titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the

Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

- 05/03/05 ADOPT: 20800.1, 20800.2, 20800.3, 20800.4, 20800.5, 20800.6, 20800.7, 20800.8, 20800.9, 20801.1, 20801.2, 20801.3 AMEND: 20800, 20801, 20802
- 05/02/05 ADOPT: 18640 AMEND: 18941.1, 18946, 18946.1, 18946.2, 18946.4
- 04/26/05 AMEND: 1859.2, 1859.42
- 04/19/05 AMEND: 172.4, 172.5, 172.6, 172.7, 172.8, 172.9, 172.10
- 03/21/05 AMEND: 549.70, 549.71, 549.72, 549.74
- 03/02/05 AMEND: 1859.73.2, 1859.145.1
- 02/28/05 AMEND: 1859.2
- 02/28/05 AMEND: 1859.71.3, 1859.78.5
- 02/28/05 AMEND: 1859.2
- 02/24/05 AMEND: 211
- 02/23/05 ADOPT: 1859.90.1 AMEND: 1859.2
- 02/15/05 AMEND: 1859.81
- 02/03/05 AMEND: 1859.106
- 02/03/05 ADOPT: 1859.78.8 AMEND: 1859.2, 1859.60, 1859.61, 1859.78.6
- 01/31/05 AMEND: 1859.2, 1589.33, 1859.35, 1859.77.3, 1859.82, 1859.83
- 01/26/05 ADOPT: 20107
- 01/04/05 AMEND: 18703.4, 18730, 18940.2, 18942.1, 18943
- 01/03/05 ADOPT: Division 8, Chapter 108, Section 59530.
- 12/31/04 AMEND: 18545
- 12/31/04 ADOPT: 18229
- 12/20/04 ADOPT: 1859.71, 1859.78.1 AMEND: 1859.2, 1859.73.2, 1859.79.2, 1859.82, 1859.83
- 12/16/04 ADOPT: 1859.51.1, 1859.70.2 AMEND: 1859.2, 1859.51, 1859.70, 1859.103,

Title 3

- 04/15/05 AMEND: 1446.9(c), 1454.16(c)
- 04/04/05 AMEND: 6400
- 03/07/05 ADOPT: 1392.8.1(3) AMEND: 1392.8.1.(2)
- 03/01/05 ADOPT: 796, 796.1, 796.2, 796.3, 796.4, 796.5, 796.6, 796.7, 796.8, 796.9 AMEND: Article 8 heading REPEAL: 795.10, 795.13, 795.14, 795.16, 795.17, 795.19, 795.30, 795.32, 795.33, 795.50
- 02/28/05 AMEND: 3430(b)
- 02/24/05 AMEND: 1280.2
- 02/23/05 AMEND: 3423(b)
- 02/15/05 ADOPT: 4603(g)
- 02/02/05 AMEND: 3430(b)
- 01/21/05 ADOPT: 3700
- 01/21/05 AMEND: 3700 (b)(c)
- 01/14/05 AMEND: 3700(c)

01/13/05 AMEND: 3962(a)
12/20/04 REPEAL: 305, 306

Title 4

04/27/05 AMEND: 1844, 1845
04/04/05 ADOPT: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337
03/22/05 AMEND: 12250, 12270, 12271, 12272
02/28/05 AMEND: 2424
02/11/05 ADOPT: 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050
02/04/05 AMEND: 1371
01/28/05 ADOPT: 12270, 12271, 12272
12/23/04 ADOPT: 10163, 10164 AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162
12/20/04 ADOPT: 12200, 12200.1, 12200.3, 12200.5, 12200.6, 12200.7, 12200.9, 12200.10A, 12200.10B, 12200.10C, 12200.11, 12200.13, 12200.14, 12200.15, 12200.16, 12200.17, 12200.18, 12200.20, 12200.21, 12201, 12202, 12203, 12203A, 12203.1, 12203.2, 12203.3, 12203.
12/16/04 ADOPT: 144
12/16/04 ADOPT: 10300, 10301, 10302, 10303, 10304, 10305, 10306, 10307, 10308, 10309, 10310, 10311, 10312, 10313, 10314, 10315, 10316, 10317, 10318, 10319, 10320, 10321, 10322, 10323, 10324, 10325, 10326, 10327, 10328, 10329, 10330, 10331, 10332, 10333, 10334, 1

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04/14/05 AMEND: 19836
03/24/05 ADOPT: 80307 AMEND: 80300, 80303, 80310, 80412 REPEAL: 80307
03/21/05 AMEND: 19828.1
03/02/05 AMEND: 55607, 59509 REPEAL: 55310
02/10/05 ADOPT: 19817.1, 19826.1, 19828.1, 19837 AMEND: 19814, 19814.1, 19817, 19826, 19828
02/09/05 REPEAL: 9540, 9541, 9542, 9543, 9544, 9545, 9546, 9547, 9548, 9549, 9550
01/31/05 AMEND: 80048.3, 80457, 80523.1 REPEAL: 80413.1
01/19/05 ADOPT: 19814.1, 19832, 19833, 19834, 19835, 19836 REPEAL: 19814
01/10/05 ADOPT: 3088.1, 3088.2

Title 8

04/29/05 AMEND: 3456
04/28/05 AMEND: 1637
04/19/05 REPEAL: 16003

04/14/05 AMEND: 8354, 8397.10, 8397.11, 8397.12, 8397.13.

04/06/05 AMEND: 230.2

04/06/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9, 9792.10, 9792.11 REPEAL: 9792.6

03/16/05 AMEND: 344.30

03/08/05 AMEND: 15220, 15220.1, 15220.3, 15220.4

03/07/05 AMEND: 5144

02/28/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14

02/04/05 AMEND: 5146

01/26/05 AMEND: 5144

01/26/05 AMEND: 3456

01/24/05 AMEND: 3427

12/31/04 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4, 9768.5, 9768.6, 9768.7, 9768.8, 9768.9, 9768.10, 9768.11, 9768.12, 9768.13, 9768.14, 9768.15, 9768.16, 9768.17

12/31/04 ADOPT: 9785.4, AMEND: 9725, 9726, 9727, 9785, 9785.2, 9785.3, 9805, 10150, 10152, 10156, 10158, 10160, 10163, 10165.5 REPEAL: 10151, 10154

12/30/04 AMEND: 3380(d)

12/27/04 ADOPT: 32032, 32033, 32034, 32035, 81000, 81005, 81010, 81020, 81030, 81040, 81050, 81055, 81060, 81065, 81070, 81075, 81080, 81090, 81100, 81105, 81110, 81115, 81120, 81125, 81130, 81135, 81140, 81145, 81150, 81155, 81160, 81165, 81170, 81175, 81180,

12/15/04 AMEND: 9789.11

12/15/04 ADOPT: 9788.01, 9788.1, 9788.11, 9788.2, 9788.3, 9788.31, 9788.32, 9788.4, 9788.45, 9788.5, 9788.6, 9788.7, 9788.8, 9788.9, 9788.91

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03/25/05 ADOPT: 13000, 13005, 13010, 13015, 13020, 13025, 13030, 13035, 13040, 13045, 13050, 13055, 13060, 13065, 13070, 13075 AMEND: 9846, 10125, 10564

01/25/05 AMEND: 9525

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04/29/05 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45

04/01/05 ADOPT: 2218.60, 2218.61, 2218.62, 2218.63

04/01/05 AMEND: 260.140.72, 260.140.72.1, 260.140.72.5

03/25/05 AMEND: 1556
 03/17/05 ADOPT: 2712 AMEND: 2835, 2840, 2840.1, 2851, 2930
 03/02/05 AMEND: 2318.6, 2353.1, 2354
 02/09/05 AMEND: 260.165
 01/14/05 AMEND: 2498.6
 01/07/05 ADOPT: 2699.6608 AMEND: 2699.100, 2699.200, 2699.201, 2699.205, 2699.209, 2699.400, 2699.401, 2699.6500, 2699.6600, 2699.6606, 2699.6607, 2699.6611, 2699.6613, 2699.6617, 2699.6619, 2699.6625, 2699.6631, 2699.6705, 2699.6715, 2699.6717, 2699.6725, 2699.
 12/28/04 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41 REPEAL: 2698.42, 2698.43, 2698.44, 2698.45
 12/27/04 AMEND: 4010, 4011, 4013, 4016, 4018, 4019, 5000, 5001, 5002, 5003, 5005, 5006, 5007, 5008, 509, 5010, 5013, 5020, 5050, 5051, 5060, 5061, 5070, 5101, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5119, 5260, 5261, 5262, 5263, 5264, 5266, 5267, 5
 12/27/04 AMEND: 2580.1, 2580.2, 2580.3, 2580.4, 2580.5, 2580.6, 2580.7, 2580.8, 2580.9
 12/22/04 AMEND: 2498.5
 12/22/04 AMEND: 2498.4.9, 2498.5
 12/21/04 AMEND: 2498.4.9, 2498.5
 12/21/04 AMEND: 2498.4.9, 2498.5
 12/21/04 AMEND: 2498.4.9, 2498.5
 12/17/04 ADOPT: 2194., 2194.1, 2194.2, 2194.3, 2194.4, 2194.5, 2194.6, 2194.7, 2194.8

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05/04/05 ADOPT: 51.23
 05/04/05 ADOPT: 51.25
 05/04/05 ADOPT: 61.8
 05/04/05 AMEND: 51.7
 05/04/05 AMEND: 51.2
 05/03/05 AMEND: 51.24
 05/03/05 AMEND: 51.15
 05/03/05 AMEND: 51.14
 05/03/05 AMEND: 51.12
 03/30/05 ADOPT: 2037, 2038 AMEND: 2010, 2037, 2038, 2050
 03/30/05 AMEND: 970, 970.1, 971, 972, 972.1, 972.2, 972.4, 972.5, 972.6, 972.7, 972.9, 973, 973.1, 974, 974.1, 975, 975.1, 975.2, 975.3, 975.4, 975.5, 975.6, 976, 976.1, 976.2, 976.3, 976.4 REPEAL: 975.1
 03/15/05 ADOPT: 996
 02/18/05 AMEND: 63.5
 02/16/05 AMEND: 995.5

01/26/05 AMEND: 1080
 01/19/05 ADOPT: 968.97, 968.99 AMEND: 968.20, 968.35, 968.44, 968.60
 01/05/05 ADOPT: 51.22
 01/03/05 AMEND: 51.17
 01/03/05 AMEND: 26.4

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02/16/05 AMEND: 503(f)

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05/03/05 ADOPT: 159.10
 03/30/05 AMEND: 25.15, 25.18, 25.19, 25.22
 03/21/05 ADOPT: 2011 AMEND: 2180.1, 2181, 2184, 2185, 2186, 2192, 2194
 03/10/05 AMEND: 2260, 2262, 2262.4, 2262.5, 2262.6, 2262.9, 2263, 2265, 2266.5
 02/22/05 AMEND: 220.04, 220.12, 221.12
 02/08/05 AMEND: 330.32
 02/02/05 AMEND: 124.92, 124.93
 01/31/05 AMEND: 1956.1, 1956.2, 1956.3, 1956.4
 01/27/05 ADOPT: 2485
 01/26/05 ADOPT: 15.07
 01/07/05 AMEND: 1969
 01/04/05 AMEND: 553.70
 12/28/04 AMEND: 1
 12/27/04 ADOPT: 150.06
 12/27/04 ADOPT: 1971
 12/23/04 AMEND: 1151.1, 1151.2, 1151.3, 1151.4, 1151.5, 1151.5.6, 1151.7, 1151.8, 1151.8.4, 1151.9, 1151.9.1, 1151.10, 1152.2, 1152.3, 1152.4, 1152.4.1, 1152.6, 1152.7, 1152.7.1, 1152.8
 12/22/04 ADOPT: 151.00
 12/16/04 AMEND: 2284
 12/15/04 ADOPT: 154.00

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04/25/05 AMEND: 851.23
 04/25/05 ADOPT: 18456.2.1, 18460.2.1 AMEND: 18449, 18450, 18451, 18456, 18459, 18459.1, 18459.2.1, 18459.3, 18461, 18462
 04/25/05 ADOPT: 1038(i) AMEND: 1038(e)
 04/22/05 AMEND: 149.1
 04/19/05 AMEND: 670.2
 04/13/05 AMEND: 2030, 2305, 2310, 2505, 2960
 04/11/05 ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4970.05
 04/07/05 ADOPT: 1.71 AMEND: 2.09, 2.10, 5.00
 04/04/05 AMEND: 119900
 03/30/05 AMEND: 852, 852.2, 852.3

03/30/05 AMEND: 825.03, 825.05, 826.01, 826.03, 829.04, 829.05, 827.02
 03/28/05 ADOPT: 53.00, 53.01, 53.02, 53.03, 149.1, 149.3 AMEND: 149
 03/25/05 ADOPT: 745.5 AMEND: 746
 03/14/05 AMEND: 150
 03/08/05 AMEND: 29.05, 29.40, 30.00, 120.7, 122, 123, 149, 165, 180, 630, 632, 747
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 03/01/05 AMEND: 52.10, 150.16
 02/28/05 AMEND: 670.5
 02/28/05 ADOPT: 125
 02/22/05 ADOPT: 1052.4 AMEND: 895.1, 1052, 1052.1
 01/31/05 AMEND: 17943, 17944
 01/28/05 ADOPT: 3806.3, 3806.5
 01/11/05 ADOPT: 25201
 01/10/05 ADOPT: 800.6 AMEND: 800, 800.5, 801, 802
 01/07/05 ADOPT: 1038(i) AMEND: 1038(e)
 12/27/04 ADOPT: 10280, 10281, 10282, 10283, 10284, 10285, 10286, 10287, 10288, 10289 REPEAL: 11325
 12/27/04 AMEND: 1.91, 27.60, 27.65, 27.82, 27.83, 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.56, 28.58, 28.90
 12/22/04 ADOPT: 18456.2.1, 18460.2.1 AMEND: 18449, 18450, 18451, 18456, 18459, 18459.1, 18459.2.1, 18459.3, 18461, 18462
 12/21/04 AMEND: 851.50, 851.51, 851.51.1, 851.54
 12/21/04 AMEND: 7.50(b)(180)

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03/01/05 ADOPT: 3999.1.8, 3999.1.9, 3999.1.10, 3999.1.11
 01/31/05 ADOPT: 4141, 4141.1
 01/31/05 ADOPT: 3436
 01/25/05 ADOPT: 4750, 4750.1 AMEND: 4751
 01/06/05 AMEND: 2000, 2400, 2403
 12/30/04 AMEND: 3097
 12/29/04 ADOPT: 3000 AMEND: 3005, 3044, 3062, 3313, 3314, 3315, 3323, 3376
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 12/27/04 ADOPT: 2251.5 AMEND: 2041, 2072, 2073, 2074 REPEAL: 2050, 2051, 2052, 2054, 2055, 2056, 2701

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04/28/05 ADOPT: 1070.3
 04/25/05 AMEND: 1805.1, 1807, 1807.2, 1811, 1816, 1816.1, 1816.4, 1833, 1833.1, 1833.2, 1846, 1846.1, 1850.7, 1874, 1886, 1887.4, 1887.9, 1889, 1889.1, 1889.2, 1889.3
 04/21/05 AMEND: 1399.155

04/21/05 AMEND: 1398.38
 04/14/05 AMEND: 54.1, 54.2
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 04/14/05 AMEND: 1071, 1083
 03/28/05 AMEND: 1399.688
 03/17/05 ADOPT: 869.1, 869.2, 869.3, 869.4, 869.5
 03/16/05 ADOPT: 4160, 4161, 4162, 4163
 03/08/05 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4216, 4218, 4220, 4222, 4224, 4226, 4230, 4232, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4256, 4258, 4260, 4262, 4264, 4266, 4268
 03/08/05 ADOPT: 2624.1 AMEND: 2604, 2615, 2624
 03/07/05 ADOPT: 2755 AMEND: 2756
 03/07/05 ADOPT: 1358.1
 03/03/05 AMEND: 1399.500, 1399.501, 1399.502, 1399.506, 1399.512, 1399.521, 1399.530, 1399.543, 1399.546 REPEAL: 1399.519, 1399.522, 1399.553, 1399.554, 1399.555
 03/01/05 AMEND: 1005
 01/31/05 AMEND: 1319, 1319.4, 1321, 1322, 1326, 1328, 1329, 1351
 01/24/05 AMEND: 1379.20
 01/20/05 AMEND: 3008, 3031, 3041, 3042, 3062.1
 01/13/05 AMEND: 1588
 01/12/05 ADOPT: 1355.35
 01/06/05 ADOPT: 1042, 1042.1, 1042.2, 1042.3, 1042.3, 1042.4, 1042.5, 1042.6
 12/29/04 AMEND: 2526, 2529, 2532, 2533, 2534, 2581, 2584, 2586, 2587, 2588, 2588.1
 12/22/04 AMEND: 1536
 12/20/04 AMEND: 1567, 1568, 1569
 12/20/04 ADOPT: 4123
 12/17/04 AMEND: 1397.60
 12/16/04 ADOPT: 1387.6, 1387.7, 1389.1, 1390.1, 1390.2, 1390.3, 1390 AMEND: 1387, 1387.1, 1387.2, 1387.3, 1387.4, 1387.5, 1391.3, 1391.4, 1391.5, 1391.8, 1391.10, 1391.11 REPEAL: 1390

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05/02/05 ADOPT: 50243, 50245, 50247, 50249, 50251, 50253, 50255, 50257, 50259, 50261, 50262, 50263, 50265, 50267
 04/26/05 AMEND: 3030
 04/04/05 AMEND: 93115
 03/30/05 ADOPT: 54351, 58800, 58811, 58812, AMEND: 54302, 54310, 54320, 54370
 03/24/05 AMEND: 94011
 03/03/05 ADOPT: 90805, 90806 AMEND: 90800.8, 90803
 02/09/05 ADOPT: 93116, 93116.1, 93116.2, 93116.3, 93116.4, 93116.5

01/13/05 ADOPT: 1029.117, 1029.134, 1031.8,
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01/06/05 AMEND: 94011
12/31/04 AMEND: 6508
12/31/04 ADOPT: 50243, 50245, 50247, 50249,
50251, 50253, 50255, 50257, 50259,
50261, 50262, 50263, 50265
12/22/04 AMEND: 50604, 50604, 54302, 54310,
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05/04/05 AMEND: 6001
04/29/05 ADOPT: 4056.1
04/07/05 AMEND: 1703
03/30/05 AMEND: 5041, 5073, 5076, 5082.2
03/18/05 AMEND: 27
03/18/05 AMEND: 1566
03/15/05 ADOPT: 20501, 20502, 20503, 20504,
20505
03/08/05 AMEND: 1610
03/03/05 AMEND: 1620
02/18/05 AMEND: 305.3
02/17/05 AMEND: 1045
02/16/05 AMEND: 1525.2
02/15/05 AMEND: 1525.3
02/08/05 AMEND: 1802
01/28/05 AMEND: 25130, 25137
01/13/05 AMEND: 1589
01/13/05 AMEND: 1825
01/12/05 AMEND: 1805
01/11/05 AMEND: 1630
01/07/05 AMEND: 18001-1
01/06/05 AMEND: 1603
01/06/05 AMEND: 1619
01/04/05 AMEND: 5060, 5061, 5062, 5063, 5064
12/27/04 ADOPT: 4056.1

Title 19

03/01/05 AMEND: 2703(d), 2705(b), 2705 (Emer-
gency Release Follow-Up Notice Report-
ing Form Instructions)

Title 20

03/16/05 AMEND: 1601, 1602, 1603, 1605.1,
1605.2, 1605.3, 1606, 1607, 1608
03/07/05 ADOPT: 2.3.1 AMEND: 8.2
02/22/05 ADOPT: 2.3.1 AMEND: 1.1, 2.2, 2.3,
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51.1, 75, 77.2, 82, 86.2, 88
01/31/05 AMEND: 1345, 1347, 1348

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04/21/05 AMEND: Appendix
04/11/05 AMEND: 111430

04/11/05 AMEND: 66260.201
03/24/05 AMEND: 70577, 70717, 71203, 71517,
71545
03/23/05 ADOPT: 50960.2, 50960.4, 50960.9,
50960.12, 50960.15, 50960.21, 50960.23,
50960.26, 50960.29, 50960.32, 50960.36,
50961, 50965 AMEND: 50962, 50963,
50964 REPEAL: 50960, 50961
03/23/05 ADOPT: 96000, 96005, 96010, 96015,
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